

### **REMARKS**

In the above-mentioned Office Action, all of the pending claims, claims 1 and 3-10, were rejected. Claims 1, 3, 6, and 8 were rejected under 35 U.S.C. 103(a) as being unpatentable over published U.S. Patent Application No. 2003/0231612 by Kim et al. (“Kim”) in view of published U.S. Patent Application No. 2003/0185159 by Seo et al. (“Seo”). Claims 4, 7, and 9 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in view of Seo and, in further view of, TSG-RAN Working Group 2 – TSGR #2 (99) 181 (“TSG#2(99)181”). Claims 5 and 10 were rejected under 35 U.S.C. 103(a) as being unpatentable in view of Kim, Seo, TSG#2(99)181, and, in further view of, MPEP 2144.03. The Examiner has also mentioned published U.S. Patent Application No. 2008/0171554 by Chao et al. (“Chao”) as being pertinent prior art.

In regard to independent claims 1, 3, 6, and 8, the Examiner relies on Kim for disclosing all elemental features of performing a cell update during a reconfiguration procedure, citing Figures 2-3, the Abstract, paragraph [0057], lines 3-13, paragraph [0059], lines 4-7, and paragraphs [0038]-[0039], [0045], and [0059], with the exception of the elemental feature of identifying a delay of application of a reconfiguration until the activation time has been cancelled. The Examiner, therefore, has combined the teachings of Kim with the teachings of Seo for teaching such feature, citing paragraphs [0086], [0109], [0079], [0094], [0103], and [0118], and Figures 6-8.

Responsive to the section 103(a) rejection, the independent claims have been amended, in manners, as set forth herein, believed better to distinguish the invention of the present application over the cited references.

An elemental feature of exemplary claim 1 has now been amended to state: before the reconfiguration has been applied, detecting, at the user equipment, a trigger event which indicates that a cell update is required. Support for the amendment can be found, for example, at paragraph [0014] of the application as originally filed.

The Applicants make special note that the independent claims are directed to a method and apparatus for handling a cell update process during a cell reconfiguration procedure, in which: a reconfiguration command is received, which includes an activation time for when reconfiguration is to be applied at some point in the future; and, before the reconfiguration has been applied, a trigger event is detected, which indicates that a cell update is required.

The claimed invention provides the means necessary for dealing with a cell update when this particular event occurs. Thus, the claimed invention addresses the issues concerning the situation where a cell update is invoked during an ongoing reconfiguration procedure. This until now, remains unaddressed. The claimed invention provides a solution to ensure that the behavior of user equipment in such circumstances is not ambiguous. The advantage of such a solution is to reduce the unwanted consumption of radio and battery resources.

The Kim reference cited by the Examiner does not address a situation wherein, during a reconfiguration procedure, and before such reconfiguration is applied, a cell update process is required. Kim may describe a radio bearer reconfiguration process and a cell update process, for example, in paragraphs [0038]-[0039] and, in reference to Figures 2 and 3, paragraphs [0057]-[0059], respectively, but, there is no temporal relationship or adjoining process between the reconfiguration process and the cell update process. Kim, in contrast, is describing three distinct and separate scenarios. In fact, Kim describes the signaling procedures as being divided into a bearer setup process, a reconfiguration process, and a cell update process. There is no interconnecting relationship discussed. The processes are completely independent and unique in their own right.

Although, paragraph [0039] of Kim mentions first the radio bearer setup process, it is clear, from general knowledge and from paragraph [0040], that what the passage means is that the system comprises a set of first, second, and third signaling options. The passage does not mean that it involves a first event, a subsequent event, and a final event. Timing is never mentioned, and, certainly, Kim nowhere envisages performing a cell update during a reconfiguration procedure. In fact, Kim describes when the cell update occurs, paragraph [0040], but never mentions any kind of relationship with any of the other processes.

Therefore, when the Examiner asserts that “Kim discloses a method of performing a cell update during a reconfiguration procedure,” the Applicants believe the Examiner is misinterpreting the Kim reference.

Seo refers to a reconfiguration procedure, but has been cited by the Examiner only for the purpose of identifying such a procedure including an activation time. Hence, Seo does not, either alone or in combination with Kim, disclose performing a cell update during a reconfiguration procedure.

This aspect of the invention has now been emphasized in the claims, by the insertion of the phrase “before the reconfiguration has been applied” at the beginning of the step of detecting in claims 1 and 3, and in relation to the controller that is operable when a trigger event is detected, in claims 6 and 8.

Accordingly, the Applicants assert that the invention as defined in independent claims 1, 3, 6, and 8 is patentably distinguishable over the disclosures of both of the cited references, whether taken alone or in combination.

Regarding dependent claims 4 and 9, the Applicants have reviewed cited pages 1-3 of TSG#2(99)181, the Applicants traverse the Examiner’s assessment that the cited pages disclose a controller arranged in such a way as *to suppress the cell update depending on the relevance of the trigger event to the UTRAN after reconfiguration*. The document cited is concerned with the redundancy of a cell update complete message for cell update procedures in a wireless communication system. In other words, after the cell update procedure is completed, which in itself is contrary to the Applicants’ claimed invention, a cell update complete message is unnecessary since information, such as the RNTI, can be obtained from other, explicit, communications received during the cell update procedure, for example from layer 2 process messages. *See the introduction and discussion section of*

*page 1.* The Applicants further assert, therefore, that this reference also fails to disclose the features recited in claims 4 and 9.

Regarding the remaining dependent claims, the Applicants submit that these claims include all of the recitations of their respective parent claims and are believed, therefore, to be patentably distinguishable over the cited reference for the same reasons as those given with respect to their parent claims.

Accordingly the Applicants believe the present Application, as amended, is in a condition for allowance and respectfully urges Examiner to reconsider the claims as amended, withdraw the rejections, and pass the present Application to allowance.

Respectfully submitted,

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